

Amendments to the Drawings

Please REPLACE original FIGS. 2 and 4 with the attached replacement sheets. In FIG. 2, the reference numeral for the sprocket (previously 226) has been changed to 226b, and in FIG. 4, the reference numeral for the chain tensioner (previously 234) has been changed to 232, as shown in the attached annotated sheets.

Remarks

Applicants respectfully request reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks.

Claims 1-18 and 34-36 are currently pending, of which claims 1, 34, 35, and 36 are independent.

By this paper, withdrawn claims 19-33 have been cancelled without prejudice or disclaimer, claim 1 has been amended to amplify the distinctions between Applicants' invention and the cited art, and new claims 34-36 have been added. Applicants also have amended the specification and drawings to correct formal errors noted in the Office Action and to conform the reference numerals in the specification to those in the drawings, and vice versa. Support for the changes can be found in the original application. No new matter has been added.

In the Office Action, claims 1, 2, 4, 5, 7, 12, and 13 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 95,406 to Allen; claim 6 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the Allen patent in view of U.S. Patent No. 3,645,304 to Thrasher; claim 16 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the Allen patent in view of U.S. Patent No. 6,772,665 to Hurdle, Jr.; and claims 1 and 12-15 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,779,117 to Roberson et al. in view of the Allen patent. The Examiner objected to claims 3, 8-11, 17, and 18 as being dependent upon a rejected base claim, but indicated that those claims would be allowable if rewritten in independent form.

Applicants thank the Examiner for his indication that claims 3, 8-11, 17, and 18 recite allowable subject matter, but they respectfully traverse the rejections of the remaining claims.

Nevertheless, without conceding the propriety of the rejections, and solely to advance prosecution, Applicants have amended independent claim 1 to amplify the distinctions between their invention and the cited art.

As amended, independent claim 1 recites an apparatus for cutting a product that includes a conveyor assembly and a slitter assembly positioned relative to said conveyor assembly and coupled thereto. The conveyor assembly conveys the product in a feed direction and defines a conveyance surface. The slitter assembly, meanwhile, slits the product into strips as the product is conveyed in the feed direction. The slitter assembly includes a plurality of cutting elements that overlap one another in the feed direction. The cutting elements are arranged in a V shape having an open end and a pointed end, as viewed in a direction substantially normal to the conveyance surface. The open end of the V shape is oriented in a leading direction and the pointed end of the V shape is oriented in a trailing direction, such that a product with a unitary, intact width may be fed to the open end of the V shape in such a manner that its intact width spans at least the distance between the cutting elements at the open end of the V shape.

Applicants submit that the cited art does not teach or suggest such features of their invention, as recited in independent claim 1.

The Allen patent discloses a machine for sawing kindling wood that includes a single dividing saw F² positioned ahead of an array of two converging lines of parallel saws F¹. When a log is fed to the machine, it is first cut down the middle by the dividing saw F², after which each half of the log is further cut into smaller pieces by a respective one of the converging lines of saws F¹. The saws are spaced so that at any given time, only a single saw is engaged upon the log or sawed-off section thereof. According to the Allen patent, this is important to prevent "binding," which occurs when a log or unitary section thereof becomes wedged between two saws.

Applicants' independent claim 1, by contrast, recites that the cutting elements are arranged in a V shape, with the open end of the V shape being oriented in a leading direction and the pointed end of the V shape being oriented in a trailing direction, such that a product with a unitary, intact width may be fed to the open end of the V shape in such a manner that its intact width spans at least the distance between the cutting elements at the open end of the V shape. Applicants submit that the Allen patent does not teach or suggest such features, and, therefore, does not anticipate claim 1.

Applicants further submit that claim 1 is patentable over the Roberson et al. patent in view of the Allen patent. At page 8 of the Office Action, the Examiner acknowledges that the Roberson et al. patent fails to disclose cutting elements that overlap one another in the feed direction; however, the Examiner asserts that the Allen patent "teaches that it is old and well known for blades in a V shape to overlap." Applicants submit that one of ordinary skill in the art would not have been motivated to combine the teachings of the Roberson et al. and Allen patents

in the manner proposed by the Examiner. For starters, the Allen patent very clearly teaches away from any arrangement in which an item to be cut engages more than one saw at a time. To the extent the Allen patent teaches overlapping saws, these are saws in opposite ones of the converging lines; the saws that act on a particular piece of lumber never overlap. (See, e.g., Allen, FIG.2)

In the Roberson et al. invention, by contrast, the item to be cut contacts two saws at a time. (See, e.g., Roberson et al., col. 3, lines 56-59.) Modifying the Roberson et al. invention so that the saws overlap in the feed direction would result in the item to be cut engaging up to four saws at a time, which is even more contrary to the teachings of the Allen patent. Applicants submit, therefore, that one of ordinary skill in the art would have recognized the incompatibility of the Roberson et al. and Allen inventions and would not have been motivated to combine them.

The Thrasher and Hurdle, Jr. patents were cited for their teachings with respect to features other than those discussed above with respect to claim 1. Each of these documents fails to remedy the deficiencies of the Allen and Roberson et al. patents noted above with respect to independent claim 1.

Accordingly, Applicants submit that none of the cited documents, either individually or in combination with each other, teaches or suggests the features of Applicants' invention recited in independent claim 1. Therefore, Applicants submit that claim 1 is patentable over the art of record.

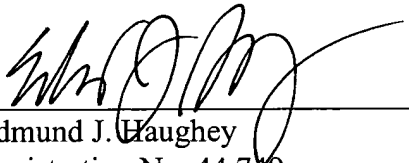
Claims 2, 4-7, and 12-16 depend from independent claim 1 and are believed to be patentable for at least the same reasons as claim 1. Further individual consideration of the dependent claims is requested.

New independent claims 34, 35, and 36 recite the features of allowable claims 3, 8, and 17, respectively, and are believed to be allowable for the same reasons as those claims.

Applicants submit that the subject application is in condition for allowance. Favorable reconsideration, withdrawal of the objections and rejections set forth in the Office Action, and an early Notice of Allowance are requested.

Applicants' undersigned attorney can be reached in the Washington, D.C. office of Fitzpatrick, Cella, Harper & Scinto by telephone at (202) 530-1010. All correspondence should continue to be directed to our address given below.

Respectfully submitted,


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ANNOTATED VERSION
SHOWING CHANGES

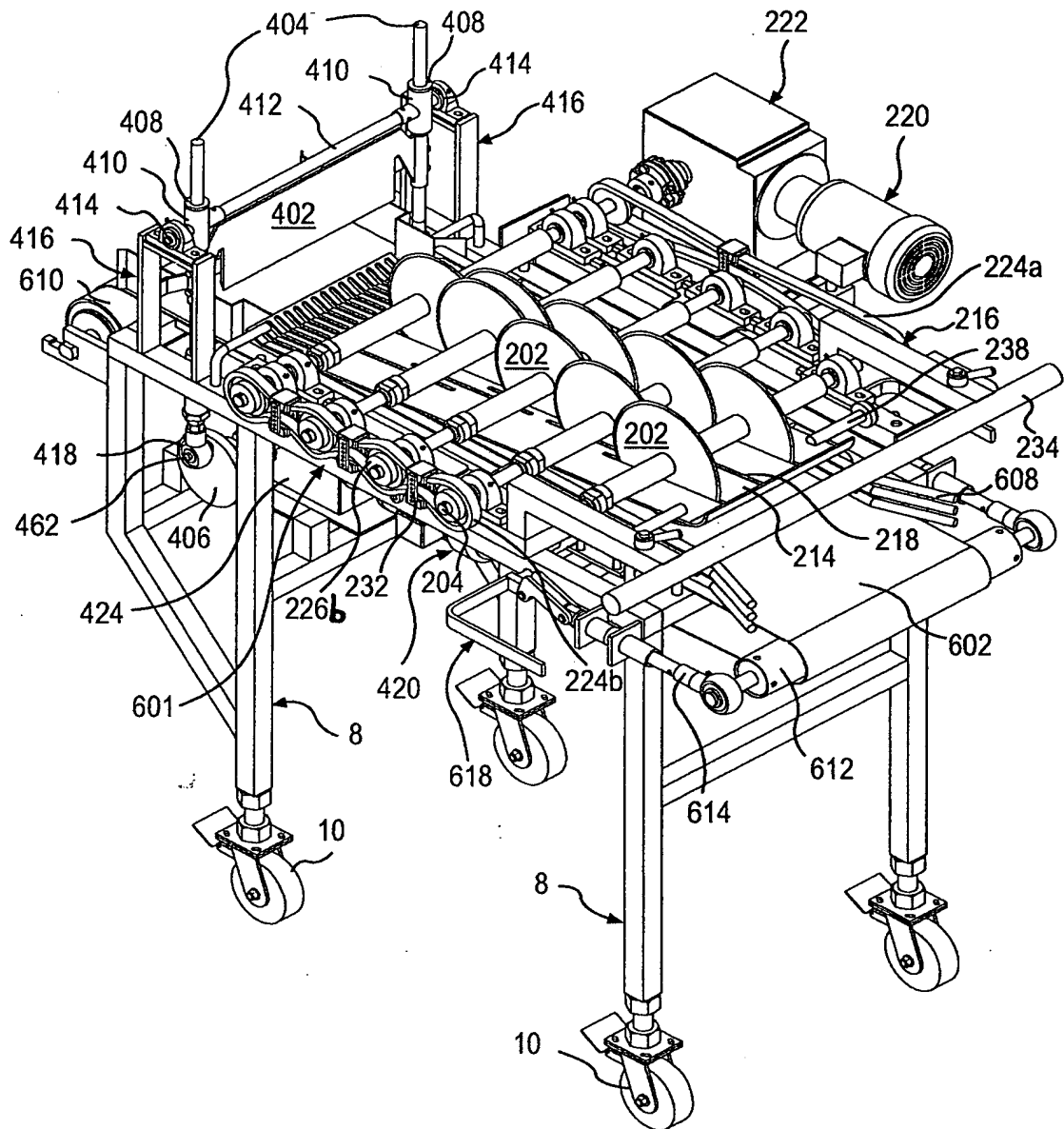


FIG. 2

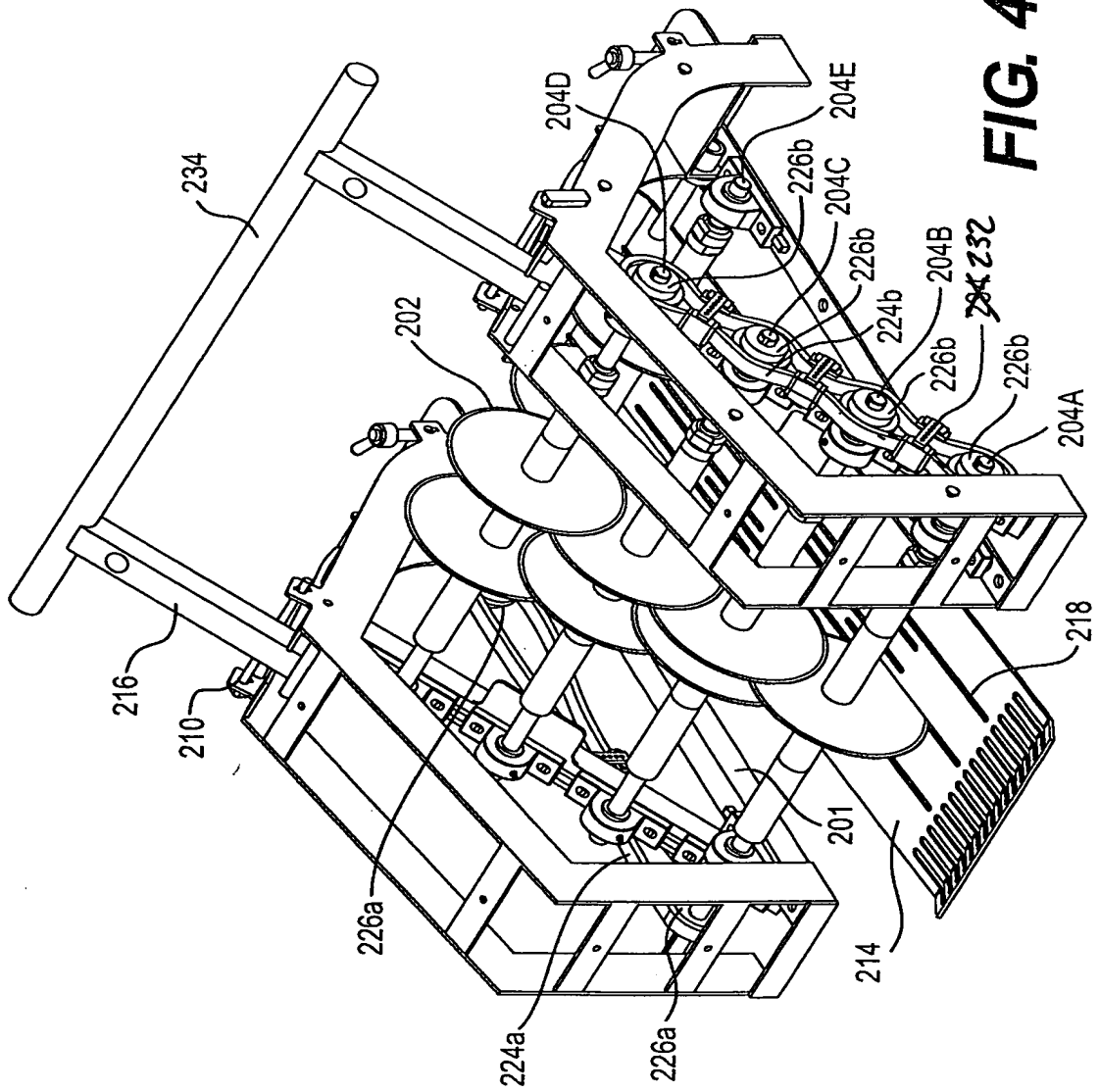


FIG. 4